

Amendments to the Drawings:

One drawing is amended to correct a placement error in the figure. Support for this amendment is found throughout the specification, for example on pages 3 and 5, and in the claims. No new matter has been added.

Attachment: Replacement Sheet 1 - Figures 1 and 2

Annotated Sheet 2 - Showing Changes

REMARKS/ARGUMENTS

The present patent application has been reviewed in light of the Office Action dated October 4, 2005, in which claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsai et. al. U.S. Patent No. 6,075,242 (hereinafter "Tsai") in view of Kato U.S. Patent No. 5,214,518 (hereinafter "Kato") and further in view of Hayakawa U.S. Patent No. 6,130,993 (hereinafter "Hayakawa"). Examiner objected to the drawings for failing to show a feature in the same position as described in the specification. Additionally, the Examiner observed a typographical error in the specification.

Claims 1, 2, 4, and 5 are pending. Claims 3 and 6 have been cancelled in response to the restriction/election requirement of January 25, 2005. New claims 7 - 10 have been added.

Amendment to the drawings is in response to Examiner's objection in comment #3 of the October 4, 2005 Office Action. This change was made to correct a placement error, and, therefore, Assignee asserts no new matter has been added and no estoppel exists because this change does not alter claim scope.

Amendment to the specification is in response to Examiner's comment #4 in the October 4, 2005 Office Action. This change was made to correct a typographical error, and, therefore, Assignee asserts no new matter has been added and no estoppel exists because this change does not alter claim scope.

Reconsideration of the above-referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in view of Kato and further in view of Hayakawa. Neither Tsai, Kato, nor Hayakawa, either alone or in combination, disclose "a vibration sensor mounted on the light-sensing device" as

claimed in claim 1. Therefore, even if there was a suggestion or motivation to combine the cited patents, and Assignee respectfully submits that no such suggestion or motivation exists, any combination of the Tsai, Kato, or Hayakawa patents would still lack all of the elements of amended claim 1. Therefore, claim 1 and claim 2 which depends from claim 1 are believed to patentably distinguish from the cited patents.

Neither Tsai, Kato, or Hayakawa disclose "measuring the magnitude of a vibration of the light-sensing device" as claimed in claim 4. Therefore, even if there was a suggestion or motivation to combine the cited patents, and Assignee respectfully submits that no such suggestion or motivation exists, any combination of the Tsai, Kato, or Hayakawa patents would still lack all of the elements of claim 4. Therefore, claim 4 and claim 5 which depends from claim 4 are believed to patentably distinguish from the cited patents.

Tsai, Kato, and/or Hayakawa, either alone or in combination, do not disclose nor suggest "means for sensing vibration of a light-sensing device" as claimed in added claim 7. Similarly, Tsai, Kato, and/or Hayakawa, either alone or in combination, do not disclose nor suggest "measuring the magnitude of a vibration of a light-sensing device" as claimed in added claim 9. Therefore, independent claims 1, 4, 7 and 9, and the claims that depend from them, are patentably distinguished over Tsai, Kato, and Hayakawa.

Further, as an example of why Assignee asserts that no motivation exists to combine the cited patents, Kato teaches away from the use of vibration sensors in a scanner by disclosing a number of techniques for compensating for vibration, none of which use a vibration sensor.

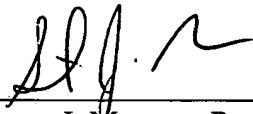
It is noted that the claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the forgoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at 503-439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully Submitted,



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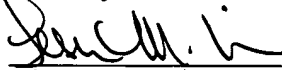
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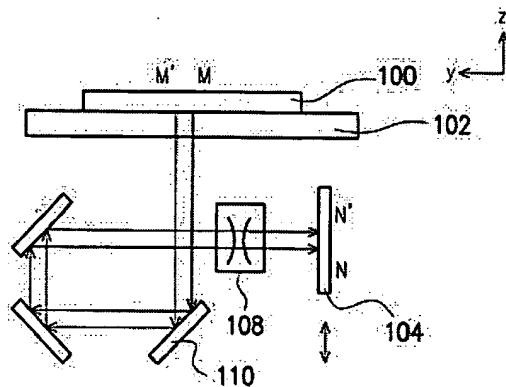


FIG. 1 (PRIOR ART)

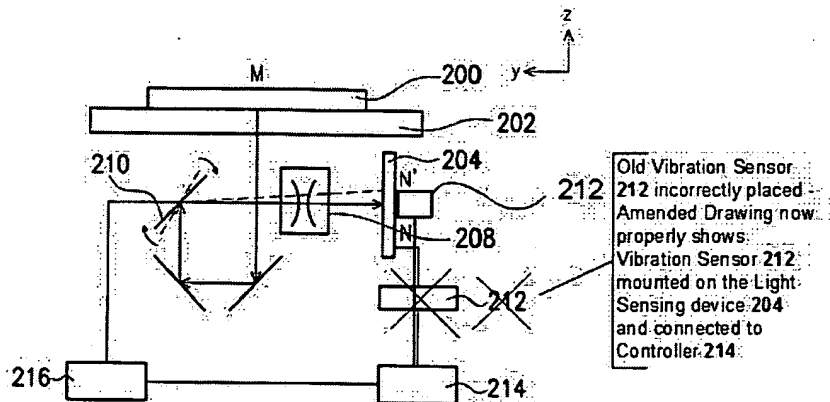


FIG. 2